

A.F.I.S. POLICY COUNCIL ACT

Act 307 of 1988

AN ACT to create an automated fingerprint identification system policy council; to provide for the establishment of policy and promulgation of rules governing the selection and use of the automated fingerprint identification system; to provide for the appointment and compensation of council members; and to prescribe the powers and duties of the department of state police.

History: 1988, Act 307, Eff. Oct. 1, 1988.

The People of the State of Michigan enact:

28.151 Short title.

Sec. 1. This act shall be known and may be cited as the "A.F.I.S. policy council act".

History: 1988, Act 307, Eff. Oct. 1, 1988.

28.152 Definitions.

Sec. 2. As used in this act:

- (a) "A.F.I.S." means automated fingerprint identification system.
- (b) "Council" means the automated fingerprint identification system policy council.
- (c) "Department" means the department of state police.

History: 1988, Act 307, Eff. Oct. 1, 1988.

28.153 Council; creation; powers, duties, and functions; budgeting, procurement, and related functions; membership.

Sec. 3. There is created the automated fingerprint identification system policy council. The council shall be within the department and shall exercise its prescribed statutory powers, duties, and functions independently of the director of the department. The budgeting, procurement, and related functions of the council shall be performed under the direction and supervision of the director of the department. The council shall be comprised of the following members:

- (a) The attorney general, or his or her designated representative.
- (b) The secretary of state, or his or her designated representative.
- (c) The director of the department, or his or her designated representative.
- (d) The director of the department of corrections, or his or her designated representative.
- (e) The state court administrator, or his or her designated representative.
- (f) The chief of the Detroit police department, or his or her designated representative.
- (g) Three representatives of the department, to be appointed by the director of the department.
- (h) Three representatives of the Michigan association of chiefs of police, to be appointed by that association.
- (i) Four representatives of the Michigan sheriffs' association, to be appointed by that association.
- (j) Three representatives of the prosecuting attorneys association of Michigan, to be appointed by that association.
- (k) One representative appointed by the governor who represents private industry and security concerns in this state.
- (l) One representative appointed by the governor who represents human services concerns in this state.

History: 1988, Act 307, Eff. Oct. 1, 1988.

28.154 Council; election of chairperson; meetings; quorum; appointment of committee chairpersons; expenses; term of council member.

Sec. 4. (1) The council shall, at its first regular meeting, elect from its membership a chairperson who shall serve for 1 year. Elections thereafter shall be held annually. A chairperson may, if reelected, succeed himself or herself. The council shall meet quarterly, during the months of January, April, July, and October, and at other times the chairperson considers necessary. A majority of the council members shall be a quorum for conducting the business of the council.

(2) The council chairperson shall appoint committee chairpersons with the approval of the council. A committee

chairperson may succeed himself or herself if reappointed.

(3) Council members or their representatives shall serve without compensation, but shall be entitled to actual expenses incurred during attendance at a regular or special council meeting and in traveling to and from a meeting.

(4) A council member shall serve a 2-year term and may succeed himself or herself if reappointed or reelected as a member.

History: 1988, Act 307, Eff. Oct. 1, 1988.

28.155 Council; duties; powers; rules.

Sec. 5. (1) The council shall:

(a) Establish policy and may promulgate rules regarding the operational and audit procedures to be followed by agencies using the A.F.I.S.

(b) In conjunction with the department, design a proposal to provide for statewide identification of individuals using an A.F.I.S. The proposal shall include the proposed data base and network configuration, the system selection criteria, and a sufficient description of the expansion of the proposed system to accommodate prevention of crime in the private sector.

(c) Establish minimum standards for A.F.I.S. sites and installation.

(d) Review proposed applications for the A.F.I.S. and approve or disapprove the applications and the sites for system installations. If an application is disapproved, the applicant shall be notified in writing of the reasons for disapproval.

(2) The council shall establish policy and may promulgate rules restricting the dissemination of identification information to individuals and agencies.

(3) The council may establish policy and promulgate rules for all of the following:

(a) The compilation of criminal history records through fingerprint identification.

(b) The compilation of noncriminal history records through fingerprint identification.

(c) Audit completeness and accuracy of history record information compiled.

(4) Rules promulgated under this act shall be promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: 1988, Act 307, Eff. Oct. 1, 1988.

28.156 Removal of equipment.

Sec. 6. The council may remove A.F.I.S. equipment if the agency or entity controlling the system equipment fails to comply with the established policies or rules of the council.

History: 1988, Act 307, Eff. Oct. 1, 1988.

28.157 Formation of consortiums; purpose; purchase of equipment; limitation on state funding; default.

Sec. 7. (1) Local units of government may form consortiums for the purpose of purchasing A.F.I.S. equipment and facilitating the use of such equipment in the local units of government that are members of the consortium.

(2) The expenditure of funds by the department for the purchase of local consortiums' A.F.I.S. equipment shall be on a per capita basis and, to the extent possible, shall result in uniform accessibility and cost per capita throughout the state, as recommended by the department for approval by the senate and house appropriations subcommittees on state police.

(3) State funding shall not be provided to more than 7 local consortiums selected by the council and shall be provided on a 4-year lease-purchase basis.

(4) The state share shall not exceed 75% of the cost of each unit and shall not exceed the amount designated in the annual appropriation act for this purpose.

(5) If a local consortium defaults on payments to the vendor or fails to provide fingerprint identification services to all consortium members, ownership of the equipment shall revert to the department with subsequent placement of the equipment to be determined by the council.

(6) State funds shall not be used in the operation or maintenance of A.F.I.S. equipment for the local consortiums.

History: 1988, Act 307, Eff. Oct. 1, 1988.

28.158 Effective date.

Sec. 8. This act shall take effect October 1, 1988.

History: 1988, Act 307, Eff. Oct. 1, 1988.

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